

## **BILL ANALYSIS**

Senate Research Center  
81R10892 KKA-D

S.B. 2323  
By: Carona  
Education  
4/19/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Due to recent violence in the nation's schools, school safety has become a pressing concern for Texas citizens. More detailed and active safety planning is needed for both public schools and institutions of higher education.

Chapter 37 (Discipline; Law and Order), Education Code, establishes extensive school safety procedures for public school districts across the state, including safety audits that must be provided in a final audit report format to the Texas School Safety Center (center) and the public school district's board of trustees once every three years, multihazard emergency plans that address emergency training, drills, coordination with law enforcement, and implementation of the findings of the security audits. However, very few provisions under Chapter 37 apply to colleges and universities. The center is only required to provide institutions of higher education with on-site technical assistance and safety training, for which the center may charge a fee. This bill would apply many of the school safety provisions in chapter 37 to institutions of higher education.

As proposed, S.B. 2323 amends current law relating to the functions of the center and safety at public educational institutions.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 37.108, Education Code, by amending Subsections (a)-(c), and adding Subsection (e), as follows:

- (a) Requires each school district or institution of higher education to adopt and implement a multihazard emergency operations plan for use in the district's schools, rather than in district schools, or in the institution of higher education. Requires that the plan address mitigation, preparedness, response, and recovery as defined by the commissioner of education or commissioner of higher education in conjunction with the governor's office of homeland security. Requires that the plan provide for employee, rather than district employee, training in responding to an emergency, and if the plan applies to a school district, mandatory school drills to prepare district students and employees for responding to an emergency.
- (b) Requires a school district or institution of higher education, at least once every two, rather than three, years, to conduct a security audit of the district's or institution's facilities. Requires a district or institution of higher education, to the extent possible, to follow security audit procedures developed by the Texas School Safety Center (center) or a comparable public or private entity.
- (c) Requires a school district or institution of higher education to report the results of the security audit conducted under Subsection (b) to the district's board of trustees or the institution's board of regents, as applicable, and, in the manner required by the center, to the center.

(e) Defines "institution of higher education."

SECTION 2. Amends Subchapter D, Chapter 37, Education Code, by adding Section 37.109, as follows:

Sec. 37.109. SCHOOL SAFETY PLANNING COMMITTEE. (a) Requires each campus in a school district, in accordance with guidelines established by the center, to establish a school safety planning committee (committee).

(b) Requires the committee to participate on behalf of the campus in developing and periodically updating the district multihazard emergency operations plan required by Section 37.108(a) to ensure that the plan reflects specific campus needs that are consistent with the plan; provide the district with any campus-level information required in connection with a security audit required by Section 37.108(b), a security audit report required by Section 37.108(c), or another report required to be submitted by the district to the center; and review each report required to be submitted by the district to the center to ensure that the report contains accurate and complete information regarding the campus, in accordance with criteria established by the center.

SECTION 3. Amends Section 37.202, Education Code, as follows:

Sec. 37.202. PURPOSE. Provides that the purpose of the center is to serve as a central registry of persons providing school safety consulting services in the state. Makes nonsubstantive changes.

SECTION 4. Amends Section 37.207(a), Education Code, to make conforming changes.

SECTION 5. Amends Section 37.209, Education Code, as follows:

Sec. 37.209. CENTER WEBSITE. Requires the center to develop and maintain an interactive Internet website that includes certain items, including a list of persons who provide school safety consulting services in this state and are registered in accordance with Section 37.2091. Deletes existing text requiring the center to develop and maintain an interactive Internet website that includes a list of persons approved by the board of directors of the center to provide school safety presentations.

SECTION 6. Amends Subchapter G, Chapter 37, Education Code, by adding Sections 37.2091 and 37.2121, as follows:

Sec. 37.2091. REGISTRY OF PERSONS PROVIDING SCHOOL SAFETY CONSULTING SERVICES. (a) Requires the center to establish a registry of persons providing school safety consulting services in this state.

(b) Requires each person providing school safety consulting services in this state to register with the center in accordance with requirements established by the center. Requires that the requirements include provisions requiring a person registering with the center to provide information regarding the person's background, education, and experience that are relevant to the person's ability to provide knowledgeable and effective school safety consulting services.

(c) Provides that the registry is intended to serve only as an informational resource for school districts. Provides that the inclusion of a person in the registry is not an indication that the center endorses the person's qualifications or ability to provide school safety consulting services.

(d) Requires the center to include information regarding the registry, including the number of persons registered and the general degree of school safety experience possessed by those persons, in the annual report required by Section 37.216 (Annual Report).

Sec. 37.2121. MEMORANDA OF UNDERSTANDING AND MUTUAL AID AGREEMENTS. (a) Requires the center to identify and inform school districts of the types of entities, including local and regional authorities, other school districts, and emergency first responders, with whom school districts should customarily make efforts to enter into memoranda of understanding or mutual aid agreements addressing issues that affect school safety.

(b) Requires the center to develop guidelines regarding memoranda of understanding and mutual aid agreements between school districts and the entities identified in accordance with Subsection (a). Provides that the guidelines must include descriptions of the provisions that should customarily be included in each memorandum or agreement with a particular type of entity, may include sample language for those provisions, and must be consistent with the Texas Statewide Mutual Aid System established under Subchapter E-1 (Texas Statewide Mutual Aid System), Chapter 418 (Emergency Management), Government Code.

(c) Requires the center to encourage school districts to enter into memoranda of understanding and mutual aid agreements with entities identified in accordance with Subsection (a) that comply with the guidelines developed under Subsection (b).

(d) Requires each school district that enters into a memorandum of understanding or mutual aid agreement addressing issues that affect school safety to provide a copy of the memorandum or agreement to the center.

(e) Requires the center to include information regarding the center's efforts under this section in the annual report required by Section 37.216.

SECTION 7. Amends Section 37.213, Education Code, as follows:

Sec. 37.213. INSTITUTIONS OF HIGHER EDUCATION. (a) Defines "institution of higher education."

(b) Requires the center, in cooperation with institutions of higher education and the division of emergency management in the office of the governor, to coordinate the development of standards for institutions of higher education in emergency management plans, drills and exercises, risk assessment and hazard identification on a campus-specific basis to determine appropriate campus information for inclusion in emergency management plans, and required training for emergency management team members.

(c) Requires the center to make standards developed under Subsection (b) available to institutions of higher education through a variety of readily accessible methods.

(d) Requires the center to provide institutions of higher education with directed training, technical assistance, and published guidelines to ensure understanding and implementation of the standards developed under Subsection (b).

(e) Requires the center to research best practices regarding emergency preparedness of institutions of higher education and serve as a clearinghouse for that information.

(f) Requires the center to provide institutions of higher education with training, technical assistance, and published guidelines or templates, as appropriate, in emergency management plan development, drill and exercise development and implementation, mutual aid agreements, identification of equipment and funds that are authorized to be used by institutions of higher education in an emergency, and reporting in accordance with 20 U.S.C. Section 1092(f). Deletes existing text authorizing an institution of higher education to use any appropriate model plan developed by the center under Section 37.205(4) (relating to the requirement that

the center provide assistance in developing a multihazard emergency operations plan to school districts). Deletes existing Subsection (c), authorizing the center to provide an institution of higher education with on-site technical assistance and safety training. Deletes existing Subsection (d), authorizing the center to charge a fee to an institution of higher education for assistance and training provided under Subsection (c).

SECTION 8. Amends Subchapter G, Chapter 37, Education Code, by adding Section 37.2161, as follows:

Sec. 37.2161. SCHOOL SAFETY PROGRESS REPORT. (a) Requires the center to periodically provide a school safety progress report to the governor, the legislature, the State Board of Education, and the Texas Education Agency that contains current information regarding school safety in this state based on each school district's multihazard emergency operations plan required by Section 37.108(a); each school district's security audit required by Section 37.108(b); and any other report required to be submitted to the center.

(b) Requires the center to establish guidelines regarding the specific information to be included in the report required by this section.

(c) Authorizes the center to provide the report required by this section in conjunction with an annual report required by Section 37.216.

SECTION 9. Amends Section 418.004(10), Government Code, to redefine "local government entity."

SECTION 10. Repealer: Section 37.210 (Essay Contest), Education Code.

SECTION 11. Requires a person providing school safety consulting services in this state to comply with Section 37.2091, Education Code, as added by this Act, not later than January 1, 2010.

SECTION 12. Effective date: September 1, 2009.